

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**DAVID MACK MAHER,**

**Plaintiff,**

**v.**

**NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security Administration,**

**Defendant.**


**Case No. 16-CV-128-JHP-KEW**

**ORDER AFFIRMING AND ADOPTING THE REPORT AND  
RECOMMENDATION OF THE UNITED STATES  
MAGISTRATE JUDGE**

On August 30, 2017, the United States Magistrate Judge entered a Report and Recommendation in regard to Plaintiff's request for judicial review of the decision of the Commissioner of the Social Security Administration. The Magistrate Judge recommended that the decision of the Administrative Law Judge be reversed and the case be remanded to the Administrative Law Judge for further proceedings consistent with this Order. The Commissioner has not filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b).

This Court finds that the Report and Recommendation of the Magistrate Judge is supported by the record. Therefore, upon full consideration of the entire record and the issues presented herein, the Court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on August 30, 2017, be **AFFIRMED** and **ADOPTED** by this Court as its Findings and Order and the decision of the Commissioner is **REVERSED** and the case **REMANDED** for further proceedings consistent herewith.

IT IS SO ORDERED this 27th day of September, 2017.



James H. Payne  
United States District Judge  
Eastern District of Oklahoma